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UNCLAS SECTION 01 OF 03 BRASILIA 001450

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TAGS: PHUM PGOV SOCI KCRM BR

SUBJECT: BRAZIL'S PRISONS IN STATE OF CRISIS

REF: A)Brasilia 1073

B)Brasilia 011

1. SUMMARY. The three-day rebellion in Benfica Prison in Rio de Janeiro ended May 31, taking place six weeks after the gruesome rebellion in the Urso Branco prison in Brazil's western Rondonia state. The two uprisings were not isolated events, but rather are manifestations of the crisis in Brazil's penitentiary system. There are simply not enough cells to accommodate all 308,000 prisoners in Brazil. Beyond overcrowding, prisons also face poor sanitary conditions, disease, abuse of prisoners, corrupt prison guards and officials, and a shortage of funding. The government needs to invest more in building new prisons, but the current priority is spending on policing and combating crimes. Strengthening the penitentiary system would be part of a broader security package aimed to create reasonable security, health and sanitary conditions inside prisons. The GoB plans to disburse R\$180 million (about USD 60 million) for security upgrades decided upon by state governments. END SUMMARY.

#### RIO'S BENFICA REBELLION

2. The May 28-31 Benfica uprising was the second longest-lasting rebellion ever in the state of Rio de Janeiro. Thirty inmates and one guard were killed and fourteen inmates were injured. According to Rio's Prison Director, Astirio Pereira dos Santos, the rebellion began as a battle between rival gangs (Third Command vs. Red Command) that went out of control due to lack of proper security measures. The Coordinator of the Prison Community Council, Marcelo Freixo, pointed out that mixing the different gangs was "explosive". At the time of the uprising, there were more than 800 prisoners in the prison; at least 14 escaped, three of whom were recaptured. An evangelical pastor with experience working in prisons joined the negotiations and ended the impasse when he persuaded the inmates to free twenty-one hostages. Afterward, human rights NGOs were not allowed into the institution. Benfica may be the worst uprising in Brazil since the notorious 1992 massacre in Sao Paulo's Carandiru prison left 111 inmates dead. The Getulio Vargas Foundation reports that the profile of prisoners in Rio de Janeiro is 97% male, 52% in their twenties, 67% black, and 43% with less than seven years education. Out of 3,300 prison guards in the state, only 1,400 work directly with prisoners, of whom there are more than 20,000 (the population has doubled in the last five years).

#### URSO BRANCO UPRISING

4. A gruesome April 16 uprising in the Urso Branco ("White Bear") prison in Porto Velho, the capital of Brazil's western Rondonia state, carried a similar message about the crisis in the Brazilian penitentiary system (ref A). On April 16, hundreds of prisoners rebelled and expelled the guards from the prison, keeping 167 hostages (mostly women who had been visiting inmates). During the five-day rebellion, fourteen prisoners died, and masked inmates standing atop the walls were photographed throwing body parts of dismembered victims over the walls. These victims were prisoners said to be informers or unwilling to cooperate with the rebellion's leaders. The prisoners were demanding better conditions, and after five days Rondonia state Governor Ivo Cassol gave in to most of their demands. The widely broadcast images of the brutal rebellion, and Governor Cassol's concessions, sparked public debate over prison conditions in Brazil.

#### OAS TAKES BRAZIL TO TASK

5. This was not the first outbreak in Urso Branco. Some 80 inmates have been killed in riots there over the last three years. In 2002, 27 prisoners were killed during a rebellion that began as an escape attempt (ref B). After that episode, the Inter-American Commission for Human Rights recommended that

Brazil adopt measures to protect inmates there. But when the GoB failed to comply with the recommendations, the case was sent to the OAS's Inter-American Court for Human Rights (becoming the first Brazilian case to come before this court). After this April's uprising, the Court summoned Brazil on April 22 to a public hearing to discuss failures at Urso Branco (which holds three times its capacity of 350 prisoners). Minister of Justice Marcio Thomaz Bastos has publicly admitted that the Urso Branco riot was caused by overcrowding.

#### 116,000 INMATES OVER CAPACITY

16. Prison overcrowding is widespread in Brazil. The federal government's National Penitentiary Department (NPD) statistics indicate that there are now 308,000 inmates in jails and prisons nationwide. When President Lula took office in January 2003, there were 57,000 more inmates than capacity. This number has doubled: there are now 116,000 more prisoners than capacity. In the case of Santa Catarina state, the lack of prison space is leading to discontent among police, as officers complain that they risk their lives to arrest criminals and then watch them walk free. In some cases, police have had to negotiate with the courts to decide who should be incarcerated and who released. Overcrowding is also a grave problem at Sao Paulo's FEBEM juvenile detention centers, which register frequent escapes and other problems. One of the most common requests made by detainees in all Brazilian prisons (as well as by violence specialists) is to separate common prisoners from the most dangerous inmates, a measure that could reduce violence and uprisings.

17. Along with overcrowding, lack of good sanitary conditions, diseases and abuse of prisoners are commonplace and are described by human rights organizations including Human Rights Watch and the Human Rights National Movement. Prisoners are subjected to unhealthy conditions. The Ministry of Health reports that tuberculosis and AIDS are common in the inmate population.

18. Brazil's 1988 Constitution mandates that the states are responsible for the penitentiary system. In reality, the states generally fund much of their public security budgets with federal money. Thus, tight federal budgets have forced Security Secretariats in all twenty-seven states to request

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specific federal funds for public security, including for the penitentiary system. Former senior official at the Ministry of Justice Elizabeth Sussekind said in press reports that the scarce resources available in the states are usually destined for police forces and to combat crime: "The lack of resources together with the government's not paying attention is explosive," she noted. She admits that Brazil is behind other countries on the issue of human rights in prisons.

19. To avoid more riots and to accommodate all prisoners, the National Penitentiary Department is planning to begin building three new penitentiaries in 2004. By the end of Lula's term in December 2006, five maximum-security prisons are planned, one of which is a new prison in Rondonia. Edison Vidigal, the new Chief Justice of Brazil's Supreme Justice Tribunal, has recently proposed building a maximum security prison on an island off Brazil's coast. With the bloody uprising in Rondonia's Urso Branco prison and drug traffickers in Rio's Rocinha favela capturing the headlines this year, the GoB announced in late April the release of R\$180 million (about USD 60 million) for security investments in all states. This money is important to the states, since the federal government has only released R\$1.8 million (about USD 600,000) for public security investments nationwide this year.

#### COMMENT

10. It is not news that Brazilian prisons are in a state of crisis and have been for years. The Lula administration, like previous governments has not come up with funding or an effective plan to address the problem. The outlook is not promising, as President Lula has slashed funding for a whole range of social programs in such a constricted budget environment, it remains to be seen whether money and political will are available to address the deepening prison crisis.

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